UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,038	02/20/2002	Anatoli Fomenko	SUN-P6506	9522

24209 7590 06/12/2006

GUNNISON MCKAY & HODGSON, LLP
1900 GARDEN ROAD
SUITE 220
MONTEREY, CA 93940

EXAMINER	
GILLIS, BRIAN J	

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/082,038	FOMENKO, ANATOLI	
	Examiner	Art Unit	
	Brian J. Gillis	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 8, 37, 59, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art).

Claims 1, 30, and 59 disclose a method, apparatus, and program storage device for deploying version control system server software having a remote access capability, comprising: providing a functional software unit implementing version control system server functionality; providing a module deployment descriptor for directing a deployment tool to deploy a module; packaging the functional software unit with the module deployment descriptor into a Web module for deployment in accordance with a component-based platform-independent specification; and deploying the Web module onto a Web server platform using the deployment tool of the software development environment, the Web server platform including a machine, an operating system, and hosting server software, the deployment tool including a server plug-in provided by a provider of the hosting server software, the server plug-in automatically installing a Web module on a corresponding server platform when the Web module complies with the component-based platform-independent specification. Apte teaches of providing a

deployment descriptor and packaging the deployment descriptor with an application in a platform specific model (column 7, lines 4-11, 23-27). It fails to teach of using version control system server software and deploying the web module onto a web server platform using the deployment tool of the software development environment. Wiles teaches of a plug-in, which is provided by the software provider and is used to execute various tasks on the server platform (paragraphs 225-226 and 229).

Apte and Wiles are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the deployment descriptor in Apte, with the plug-in in Wiles because the capability to monitor and optimize a client is provided by keeping manual configurations minimal (Wiles, paragraphs 7 and 38).

Apte in view of Wiles teaches of the limitations of claims 1, 30, and 59 as recited above. It fails to teach of using version control system server software. Fomenko teaches of Forte TeamWare, which provides version control system server functionality (paragraph 2).

Apte in view of Wiles and Fomenko are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the version control software in Fomenko with the system in Apte in view of Wiles because software developers are able to keep track of large software development projects (Fomenko, paragraph 2).

Claims 2-4, 6, 31-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) as applied to claims 1 and 30 above, and further in view of Obilisetty (US PGPUB US20040268344).

Claims 2 and 31 disclose a method and apparatus according to claims 1 and 30, wherein the functional software unit includes a program of instructions for generating dynamic content and interacting with clients using a request-response scheme. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 1 and 30 as recited above. It fails to teach of generating dynamic content and interacting with clients using a request-response scheme. Obilisetty teaches of an application, which facilitates the exchange of information between different objects (paragraph 39).

Apte in view of Wiles in view of Fomenko and Obilisetty are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the application in Obilisetty with the system in Apte in view of Wiles in view of Fomenko because maintaining, upgrading, and distributing applications and updates to clients are provided efficiently and at a reduced cost (Obilisetty, paragraph 12).

Claims 3 and 32 disclose a method and apparatus according to claims 1 and 30, wherein the functional software unit includes a program of instructions for returning dynamic content to clients using template data, custom elements, scripting languages,

and server-side objects. Obilisetty further teaches of an application, which facilitates the exchange of information between different objects (paragraph 39).

Claims 4 and 33 disclose a method and apparatus according to claims 1 and 30, wherein the remote access capability employs a hypertext transport type protocol. Obilisetty further teaches of using standard Internet protocols including HTTP (paragraph 36).

Claims 6 and 35 disclose a method and apparatus according to claims 1 and 30, wherein the component-based platform-independent specification includes a component-based platform independent specification employing a multi-tier, thin-client application model. Obilisetty further teaches of providing a thin client model with the functionality of a fat client (paragraph 14).

Claims 5 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) as applied to claims 1 and 30 above, and further in view of Kushnirskiy (US PGPUB US2003/0079052).

Claims 5 and 34 disclose a method and apparatus according to claims 1 and 30, wherein said deploying comprises: selecting, in response to a user's input, a server platform having a corresponding server plug-in; and calling the corresponding server plug-in for the selected server platform. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 1 and 30 as recited above. It fails to teach of selecting a server platform having a server plug-in and calling the corresponding plug-in

for the platform. Kushnirskiy teaches of each platform having and using a plug-in specific to the platform (paragraph 16).

Apte in view of Wiles in view of Fomenko and Kushnirskiy are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the platform specific plug-in in Kushnirskiy with the system of Apte in view of Wiles in view of Fomenko because an automated installation process is provided (Fomenko, paragraph 8).

Claims 7 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) as applied to claims 1 and 30 above, and further in view of BEA (Non Patent Publication).

Claims 7 and 36 disclose a method and apparatus according to claims 1 and 30, wherein the computer program development environment software includes an integrated development environment with deployment capability. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 1 and 30 as recited above. It fails to teach of including an integrated development environment with deployment capability. BEA teaches of a development environment with combined application development and deployment capabilities (paragraph 1).

Apte in view of Wiles in view of Fomenko and BEA are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the development environment in BEA with the system of Apte in view of Wiles in view of Fomenko because the environment simplifies the task of integrating proprietary legacy systems with standards-bases applications (BEA, paragraph 2).

Claims 8, 37, and 60 disclose, a method, apparatus, and a program storage device for deploying version control system server software having a remote access capability, comprising: providing a module for the version control system server software, the module comprising: a functional software unit implementing version control system server functionality; and a module deployment descriptor for directing a deployment tool to deploy the module; packaging the module with an application deployment descriptor into application-level software for deployment in accordance with a component-based platform-independent specification, the application deployment descriptor directing the deployment tool to deploy the application-level software; and deploying the application-level software onto a server platform using the deployment tool of the software development environment, the server platform including a machine, operating system, and hosting server software, the deployment tool including a server plug-in provided by a provider of the hosting server software, the server plug-in automatically installing application-level software on the corresponding server platform if the application-level software complies with the component-based platform-independent specification. Apte teaches of providing a deployment descriptor and packaging the deployment descriptor with an application in a platform specific model (column 7, lines

4-11, 23-27). It fails to teach of using version control system server software and deploying the web module onto a web server platform using the deployment tool of the software development environment. Wiles teaches of a plug-in, which is provided by the software provider and is used to execute various tasks on the server platform (paragraphs 225-226 and 229).

Apte and Wiles are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the deployment descriptor in Apte, with the plug-in in Wiles because the capability to monitor and optimize a client is provided by keeping manual configurations minimal (Wiles, paragraphs 7 and 38).

Apte in view Wiles teaches of the limitations of claims 8, 37, and 60 as recited above. It fails to teach of using version control system server software. Fomenko teaches of Forte TeamWare, which provides version control system server functionality (paragraph 2).

Apte in view of Wiles, and Fomenko are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the version control software in Fomenko with the system in Apte in view of Wiles because software developers are able to keep track of large software development projects (Fomenko, paragraph 2).

Claims 9 and 38 disclose a method and apparatus according to claims 8 and 37, wherein the functional software unit includes a program of instructions for generating dynamic content and interacting with clients using a request-response scheme. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 8 and 37 as recited above. It fails to teach of generating dynamic content and interacting with clients using a request-response scheme. Obilisetty teaches of an application, which facilitates the exchange of information between different objects (paragraph 39).

Apte in view of Wiles in view of Fomenko and Obilisetty are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the application in Obilisetty with the system in Apte in view of Wiles in view of Fomenko because maintaining, upgrading, and distributing applications and updates to clients are provided efficiently and at a reduced cost (Obilisetty, paragraph 12).

Claims 10 and 39 disclose a method and apparatus according to claims 8 and 37, wherein the functional software unit includes a program of instructions for returning dynamic content to clients using template data, custom elements, scripting languages, and server-side objects. Obilisetty further teaches of an application, which facilitates the exchange of information between different objects (paragraph 39).

Claims 12 and 41 disclose a method and apparatus according to claims 8 and 37, wherein the remote access capability employs a hypertext transport type protocol.

Obilisetty further teaches of using standard Internet protocols including HTTP (paragraph 36).

Claims 14 and 43 disclose a method and apparatus according to claims 8 and 37, wherein the component-based platform-independent specification includes a component-based platform independent specification employing a multi-tier, thin-client application model. Obilisetty further teaches of providing a thin client model with the functionality of a fat client (paragraph 14).

Claims 11 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) as applied to claims 8 and 37 above, and further in view of Nadler et al (US PGPUB US2003/0070006).

Claims 11 and 40 disclose a method and apparatus according to claims 8 and 37, wherein the functional software unit includes a program of instructions capable of being called and executed remotely using servlet mechanism or web services. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 8 and 37 as recited above. It fails to teach of a program of instructions capable of being called and executed remotely using servlet mechanism or web services. Nadler et al teaches of using standard protocols including HTTP and SOAP, which enables web services to be used across networks (paragraph 13).

Apte in view of Wiles in view of Fomenko and Nadler et al are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the web services in Nadler et al with the system of Apte in view of Wiles in view of Fomenko because the applications are able to communicate with each other over the Internet in a manner that is independent of the platform (Nadler et al, paragraph 13).

Claims 13 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) as applied to claims 8 and 37 above, and further in view of Kushnirskiy (US PGPUB US2003/0079052).

Claims 13 and 42 disclose a method and apparatus according to claims 8 and 37, wherein said deploying comprises: selecting, in response to a user's input, a server platform having a corresponding server plug-in; and calling the corresponding server plug-in for the selected server platform. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 8 and 37 as recited above. It fails to teach of selecting a server platform having a server plug-in and calling the corresponding plug-in for the platform. Kushnirskiy teaches of each platform having and using a plug-in specific to the platform (paragraph 16).

Apte in view of Wiles in view of Fomenko and Kushnirskiy are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the platform specific plug-in in Kushnirskiy with the system of Apte

in view of Wiles in view of Fomenko because an automated installation process is provided (Fomenko, paragraph 8).

Claims 15 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) as applied to claims 8 and 37 above, and further in view of BEA (Non Patent Publication).

Claims 15 and 44 disclose a method and apparatus according to claims 8 and 37, wherein the computer program development environment software includes an integrated development environment with deployment capability. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 8 and 37 as recited above. It fails to teach of including an integrated development environment with deployment capability. BEA teaches of a development environment with combined application development and deployment capabilities (paragraph 1).

Apte in view of Wiles in view of Fomenko and BEA are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the development environment in BEA with the system of Apte in view of Wiles in view of Fomenko because the environment simplifies the task of integrating proprietary legacy systems with standards-bases applications (BEA, paragraph 2).

Claims 16-18, 21, 25, 45-47, 50, 54, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB

US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) in view of Kushnirskiy (US PGPUB US2003/0079052).

Claims 16, 45, and 61 disclose a method, apparatus, and program storage device for providing a version control system having a remote access capability for a computer program development environment, the computer program development environment including a client tier and a server tier, comprising: installing the computer program development environment software on a server, the computer program development environment software having a deployment tool including a server plug-in for a server platform, the server plug-in being provided by a provider of server software for the server platform, the server platform complying with a component-based platform independent specification; packaging version control system server software for deployment in accordance with the component-based platform-independent specification, the packaged version control system server software including at least one module, the module comprising: a functional software unit implementing version control system server functionality; and a module deployment descriptor for directing the deployment tool to deploy the module; starting the computer program development environment software with the packaged version control system server software; selecting, in response to a user's input, a server platform having a corresponding server plug-in; and deploying the packaged version control system server software onto the selected server platform using the deployment tool, the corresponding server plug-in automatically installing the packaged version control server software onto the selected server platform. Apte teaches of providing a deployment descriptor and packaging the

deployment descriptor with an application in a platform specific model (column 7, lines 4-11, 23-27). It fails to teach of using version control system server software, deploying the web module onto a web server platform using the deployment tool of the software development environment, and selecting in response to a user's input, a server platform having a corresponding server plug-in. Wiles teaches of a plug-in, which is provided by the software provider and is used to execute various tasks on the server platform (paragraphs 225-226 and 229).

Apte and Wiles are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the deployment descriptor in Apte, with the plug-in in Wiles because the capability to monitor and optimize a client is provided by keeping manual configurations minimal (Wiles, paragraphs 7 and 38).

Apte in view Wiles teaches of the limitations of claims 16, 45, and 61 as recited above. It fails to teach of using version control system server software and selecting in response to a user's input, a server platform having a corresponding server plug-in. Fomenko teaches of Forte TeamWare, which provides version control system server functionality (paragraph 2).

Apte in view of Wiles, and Fomenko are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the version control software in Fomenko with the system in Apte in

view of Wiles because software developers are able to keep track of large software development projects (Fomenko, paragraph 2).

Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 16, 45, and 61 as recited above. It fails to teach of selecting in response to a user's input, a server platform having a corresponding server plug-in. Kushnirskiy teaches of each platform having and using a plug-in specific to the platform (paragraph 16).

Apte in view of Wiles in view of Fomenko and Kushnirskiy are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the platform specific plug-in in Kushnirskiy with the system of Apte in view of Wiles in view of Fomenko because an automated installation process is provided (Fomenko, paragraph 8).

Claims 17 and 46 disclose a method and apparatus according to claims 16 and 45 wherein the server platform includes an operating system and hosting server software. Apte further teaches of a server, which is widely known to include an operating system and hosting software (column 3, lines 41-43).

Claims 18 and 47 disclose a method and apparatus according to claims 16 and 45 wherein said packaging comprises: packaging the version control system server software as a Web module for deployment on a Web server platform. Apte further packaging the deployment descriptor with an application in a platform specific model (column 7, lines 4-11, 23-27).

Claims 21 and 50 disclose a method and apparatus according to claims 16 and 45 wherein said packaging comprises: packaging the version control system server software as an application-level software with an application deployment descriptor for deployment on an application server platform, the application deployment descriptor directing a deployment tool to deploy the application-level software. Apte further packaging the deployment descriptor with an application in a platform specific model (column 7, lines 4-11, 23-27).

Claims 25 and 54 disclose a method and apparatus according to claims 16 and 45 wherein said deploying comprises: selecting, in response to a user's input, a server platform having a corresponding server plug-in; and calling the corresponding server plug-in for the selected server platform. Kushnirskiy teaches of each platform having and using a plug-in specific to the platform (paragraph 16).

Claims 19, 20, 22, 23, 26-28, 48, 49, 51, 52, 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) in view of Kushnirskiy (US PGPUB US2003/0079052) as applied to claims 16 and 45 above, and further in view of Obilisetty (US PGPUB US20040268344).

Claims 19 and 48 disclose a method and apparatus according to claims 18 and 47 wherein the functional software unit includes a program of instructions for generating dynamic content and interacting with clients using a request-response scheme. Apte in view of Wiles in view of Fomenko in view of Kushnirskiy teaches of the limitations of claims 16 and 45 as recited above. It fails to teach of generating dynamic content and

interacting with clients using a request-response scheme. Obilisetty teaches of an application, which facilitates the exchange of information between different objects (paragraph 39).

Apte in view of Wiles in view of Fomenko in view of Kushnirskiy and Obilisetty are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the application in Obilisetty with the system in Apte in view of Wiles in view of Fomenko in view of Kushnirskiy because maintaining, upgrading, and distributing applications and updates to clients are provided efficiently and at a reduced cost (Obilisetty, paragraph 12).

Claims 20 and 49 disclose a method and apparatus according to claims 18 and 47 wherein the functional software unit includes a program of instructions for returning dynamic content to clients using template data, custom elements, scripting languages, and server-side objects. Obilisetty further teaches of an application, which facilitates the exchange of information between different objects (paragraph 39).

Claims 22 and 51 disclose a method and apparatus according to claims 21 and 50 wherein the functional software unit includes a program of instructions for generating dynamic content and interacting with clients using a request-response scheme. Obilisetty teaches of an application, which facilitates the exchange of information between different objects (paragraph 39).

Claims 23 and 52 disclose a method and apparatus according to claims 21 and 50 wherein the functional software unit includes a program of instructions for returning dynamic content to clients using template data, custom elements, scripting languages, and server-side objects. Obilisetty further teaches of an application, which facilitates the exchange of information between different objects (paragraph 39).

Claims 26 and 55 disclose a method and apparatus according to claims 16 and 45 further comprising: starting the version control system software at the server; and configuring the version control system server software deployed on the server platform, if required. Obilisetty further teaches of updating the client software if required (paragraph 15).

Claims 27 and 56 disclose a method and apparatus according to claims 26 and 55 further comprising: starting the version control system software at the client; and accessing from the client the version control system server. Obilisetty further teaches of a client using the software and accessing the server (figure 2, paragraph 16).

Claims 28 and 57 disclose a method and apparatus according to claims 28 and 45 wherein the component-based platform-independent specification includes a component-based platform independent specification employing a multi-tier, thin-client application model. Obilisetty further teaches of providing a thin client model with the functionality of a fat client (paragraph 14).

Claims 24 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) in view of Kushnirskiy (US PGPUB

US2003/0079052) as applied to claims 21 and 50 above, and further in view of Nadler et al (US PGPUB US2003/0070006).

Claim 24 disclose a method according to claim 21 wherein the functional software unit includes a program of instructions capable of being called and executed remotely using a remote procedure call. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 21 as recited above. It fails to teach of a program of instructions capable of being called and executed remotely using a remote procedure call. Nadler et al teaches of the use of a remote procedure call to execute a program (paragraph 4).

Apte in view of Wiles in view of Fomenko in view of Kushnirskiy and Nadler et al are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the web services in Nadler et al with the system of Apte in view of Wiles in view of Fomenko in view of Kushnirskiy because the applications are able to communicate with each other over the Internet in a manner that is independent of the platform (Nadler et al, paragraph 13).

Claim 53 discloses an apparatus according to claim 50 wherein the functional software unit includes a program of instructions capable of being called and executed remotely using servlet mechanism or web services. Apte in view of Wiles in view of Fomenko teaches of the limitations of claims 8 and 37 as recited above. It fails to teach of a program of instructions capable of being called and executed remotely using servlet

mechanism or web services. Nadler et al teaches of using standard protocols including HTTP and SOAP, which enables web services to be used across networks (paragraph 13).

Apte in view of Wiles in view of Fomenko and Nadler et al are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the web services in Nadler et al with the system of Apte in view of Wiles in view of Fomenko because the applications are able to communicate with each other over the Internet in a manner that is independent of the platform (Nadler et al, paragraph 13).

Claims 29 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Apte (US Patent #6,959,307) in view of Wiles (US PGPUB US2003/0055883) in view of Fomenko (Applicant Admitted Prior Art) in view of Kushnirskiy (US PGPUB US2003/0079052) as applied to claims 16 and 45 above, and further in view of BEA (Non Patent Publication).

Claims 29 and 58 disclose a method and apparatus according to claims 16 and 45, wherein the computer program development environment software includes an integrated development environment with deployment capability. Apte in view of Wiles in view of Fomenko in view of Kushnirskiy teaches of the limitations of claims 16 and 45 as recited above. It fails to teach of including an integrated development environment with deployment capability. BEA teaches of a development environment with combined application development and deployment capabilities (paragraph 1).

Apte in view of Wiles in view of Fomenko in view of Kushnirskiy and BEA are analogous art because they are both related to remote execution of tasks over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the development environment in BEA with the system of Apte in view of Wiles in view of Fomenko in view of Kushnirskiy because the environment simplifies the task of integrating proprietary legacy systems with standards-bases applications (BEA, paragraph 2).

Response to Arguments

Applicant's arguments filed March 20, 2006 have been fully considered but they are not persuasive.

In response to applicant's arguments, the recitation "deploying version control system server software having a remote access capability" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant asserts the prior art fails to teach of hosting server software. The Examiner respectfully disagrees, Apte teaches of a server, which is widely known in the art to contain an operating system and hosting server software (column 3, lines 41-43).

Applicant asserts the prior art fails to teach of the deployment tool including a server plug-in provided by a provider of the hosting server software. The Examiner respectfully disagrees, Apte teaches of a deployment tool (column 7, lines 4-11, 23-27) and Wiles teaches of a plug-in to use in combination with Apte (paragraphs 225, 226, and 229).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J Gillis
Examiner
Art Unit 2141

BJG

[illegible]IPAL DHARIA
[illegible]VISORY PATENT EXAMINER